

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 249A.4 and 2008 Iowa Acts, chapter 1187, section 6(6), the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

This amendment removes two of the requirements for an infant to be deemed Medicaid-eligible for 12 months because of “newborn” status, a mandatory coverage group under the Medicaid program. Based on legislation enacted in the Children’s Health Insurance Program Reauthorization Act (CHIPRA), Public Law 111-3, states shall no longer require that the infant live with the mother or that the mother continue to meet the Medicaid eligibility requirements that would apply if she were still pregnant.

The effect of this amendment is that any infant in Iowa who was born to a woman who was Medicaid-eligible at the time of the infant’s birth shall remain eligible through the month of the infant’s first birthday, even if the infant is no longer living with the mother or the mother would no longer qualify for Medicaid. This change will ensure the continuous availability of medical care to infants during their first year of life and is in line with the state’s vision to provide health care to all Iowa children.

This amendment does not provide for waivers in specified situations, since the change is a benefit to the infants affected. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted this amendment on June 10, 2009.

The Department finds that notice and public participation are unnecessary, in that the amendment is necessary to meet federal requirements, and impracticable, because there is insufficient time to allow for public comment before the effective date required. Therefore, this amendment is filed pursuant to Iowa Code section 17A.4(3).

The Department also finds, pursuant to Iowa Code section 17A.5(2)“b”(1), that the normal effective date of this amendment should be waived, as authorized by 2008 Iowa Acts, chapter 1187, section 6(6).

This amendment is also published herein under Notice of Intended Action as **ARC 7930B** to allow for public comment.

This amendment is intended to implement Iowa Code section 249A.4 and Public Law 111-3, Section 113(b)(1).

This amendment becomes effective July 1, 2009.

The following amendment is adopted.

Amend subrule 75.1(20) as follows:

75.1(20) *Newborn children of Medicaid-eligible mothers.* Medicaid shall be available without an application to newborn children of women who are determined eligible for Medicaid for the month of the child’s birth or for three-day emergency services for labor and delivery for the child’s birth. Eligibility begins with the month of the birth and continues through the month of the first birthday as long as the child ~~lives with the mother and the mother remains eligible for Medicaid or would be eligible if she were still pregnant or qualified for emergency services for childbirth~~ is an Iowa resident.

a. and b. No change.

[Filed Emergency 6/12/09, effective 7/1/09]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/09.